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Plaintiff TEAK WAREHOUSE, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

E-FILED - 5/2/07

KINGSLEY-BATE LTD., a Delaware
Corporation,

Plaintiff,

vs.

TEAK WAREHOUSE, INC., a California
Corporation,

Defendant

TEAK WAREHOUSE, INC., a California
Corporation,

Counterclaim Plaintiff,

vs

KINGSLEY-BATE LTD., a Delaware
Corporation,

Counterclaim Defendant.

Case No. C-06-3946-RMW

**STIPULATION TO CONTINUANCE OF
INTERIM CASE MANAGEMENT
CONFERENCE AND EARLY NEUTRAL
EVALUATION DEADLINE;**

~~PROPOSED~~ ORDER

Interim CMC Date: June 22, 2007
ENE Deadline: June 22, 2007

Complaint filed: June 26, 2006

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STIPULATION TO CONTINUE INTERIM CASE MANAGEMENT CONFERENCE AND EARLY NEUTRAL
EVALUATION DEADLINE [C-06-3946-RMW]

1 **TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 This Stipulation is made pursuant to Fed. R. Civ. P. 6(b), Local Rule 16-2(e) and Local
4 Rule 7-12 between Defendant and Counterclaim Plaintiff IEAK WAREHOUSE, INC
5 (“Teak”), on the one hand, and Plaintiff and Counterclaim Defendant KINGSLEY-BATE, LTD.
6 (“Kingsley”), on the other hand, through their undersigned counsel of record, with reference to
7 the following:

8 ***The November 17, 2006 Order and the First Stipulation to Continuance***

9 A On October 27, 2006, an initial case management conference was duly held
10 before the Court. Upon consideration of the matters raised therein, the Court ordered, *inter*
11 *alia*, that:

- 12 1. An Interim Case Management Conference would be held on
13 February 23, 2007;
- 14 2. The parties would complete an Early Neutral Evaluation through the
15 Court’s ADR Program prior to the February 23, 2007 conference;
- 16 3. The parties shall conduct discovery within certain parameters for the
17 purpose of preparing for the Early Neutral Evaluation.

18 (See Order entered on November 17, 2006 [Docket No. 23].)

19 B. So that the parties would have additional time to complete initial discovery for
20 the Early Neutral Evaluation, and with the approval of the Early Neutral Evaluator, the parties
21 stipulated to (i) an Early Neutral Evaluation date of June 15, 2007, and (ii) a continuance of the
22 Interim Case Management Conference to June 22, 2007. (See Stipulation filed on February 20,
23 2007 [Docket No. 29].)

24 ***Written Discovery Requests***

25 C. Pursuant to the Court’s November 17, 2006 Order, on December 19, 2006, Teak
26 served written discovery requests on Kingsley by mail. On February 7, 2007, Kingsley served
27 written responses to these requests with deficiencies. Teak has initiated the statutorily required
28 meet and confer process to attempt to informally resolve these deficiencies. To date, Teak has

1 not received a response; therefore, motions to compel may be necessary. Such motions to
2 compel would probably be heard in early June 2007 because Kingsley's counsel is not available
3 all of May 2007, and Local Rules require service of a notice of motion at least 35 days before
4 hearing

5 D On January 23, 2007, Kingsley served requests for production of documents on
6 Teak by mail. On March 1, 2007, Teak served written responses to these requests. Kingsley is
7 in the process of commencing the meet and confer process regarding Teak's responses.

8 E On April 2, 2007, Kingsley served interrogatories on Teak by mail. Teak's
9 responses are due on May 3, 2007. Once Kingsley receives Teak's responses, it will evaluate
10 the need for a meet and confer process and a motion to compel.

11 *Depositions*

12 F To date, two of the four depositions permitted by the Court's November 17, 2006
13 Order has taken place. The deposition of Andrew Gower (the named inventor of the designs at
14 issue) took place on March 16, 2007 in Ashland, Oregon. Teak intends to further examine Mr.
15 Gower concerning materials that he produced at his deposition on a CD-ROM, which materials
16 were unavailable for viewing and use at his deposition; Kingsley intends to object to any further
17 questioning. The second deposition, the deposition of Nigel Richardson (a Teak employee),
18 was taken on April 13, 2007 in Santa Ana, California. If a meet and confer process is
19 unsuccessful, Kingsley intends to file a motion to compel the production of documents
20 requested for the deposition. Mr. Richardson has advised Kingsley that he has produced all
21 documents required by the Federal Rules of Civil Procedure.

22 G Teak's counsel has two one-week trials set for April 16, 2007 and April 23, 2007,
23 respectively. After those trials, Teak's counsel is available most of May 2007 for depositions.
24 Mr. Askew is unavailable all of May 2007. Counsel for the parties agreed to set the Rule
25 30(b)(6) depositions of Kingsley on June 7, 2007 in Manassas, Virginia and Teak on June 14,
26 2007 in Santa Ana, California.

27 H On April 12, 2007, the parties and the Early Neutral Evaluator, Nathan Lane,
28 agreed that additional time for completing initial discovery and the Early Neutral Evaluation is

1 necessary. (Mr. Lane also indicated that he has a scheduling conflict on June 15, 2007, the date
2 present set for the Early Neutral Evaluation.)

3 I. The parties and Mr. Lane discussed alternative dates for the Early Neutral
4 Evaluation. Teak's counsel is unavailable during July 2007 due to trial commitments.

5 Accordingly, in order to promote the goals of judicial economy and fairness, the parties
6 hereto hereby stipulate and agree as follows:

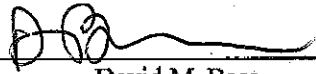
7 1. The parties will attend an Early Neutral Evaluation before Mr. Lane on or before
8 August 31, 2007.

9 2. The Interim Case Management Conference is continued to September 7, 2007 at
10 10:30 a.m., or as soon thereafter as the Court's calendar permits.

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12 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

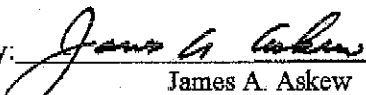
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14 Dated: April 26, 2007

DAVID M. BASS & ASSOCIATES

15
16 By: 
17 David M. Bass
18 Attorneys for Defendant and Counterclaim
Plaintiff TEAK WAREHOUSE, INC.

19 Dated: April 26, 2007

ASKEW & ASSOCIATES

20
21 By: 
22 James A. Askew
23 Attorneys for Plaintiff and Counterclaim
Defendant KINGSLEY-BATE LTD.

24 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

25
26 Dated: 5/2/07, 2007

